

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

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| IN RE: U.S. CELLULAR CORP., COX IOWA TELCOM LLC, AND ILLUMINET, INC., Complainants, vs. QWEST CORPORATION, Respondent. | DOCKET NO. FCU-03-24 |
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**ORDER GRANTING MOTION TO WITHDRAW
AND REQUIRING FILING**

(Issued July 20, 2004)

On July 11, 2003, the Utilities Board (Board) issued an "Order Docketing Tariff and Complaint and Ordering Filing Be Made" in Docket Nos. TF-03-201 and FCU-03-24. The order required Qwest Corporation (Qwest) and U.S. Cellular Corp., Cox Iowa Telcom LLC, and Illuminet, Inc. (collectively, Complainants), to file a report by August 11, 2003, defining any outstanding issues remaining.¹

On August 8, 2003, Complainants filed a "Motion for Stay of Discovery or Extension of Time to Respond" (Motion). The Motion indicated that Qwest had

¹ In an August 18, 2003, "Order Approving Tariff," the Board approved Docket No. TF-03-201, but Docket No. FCU-03-24 was to be kept open. The order affirmed the August 11, 2003, date for Qwest and Complainants to define any outstanding issues.

served Complainants with what amounted to 93 data requests. According to Complainants, the data requests were overly broad, burdensome, and would require coordination between the Complainants to determine a response. Responses to the data requests were due by August 11, 2003, the same day the outstanding issues list was due to be filed with the Board.

On August 11, 2003, Complainants filed their "Report on Outstanding Issues in Complaint Proceeding." Also on August 11, 2003, Qwest filed its "Identification of the Issues Remaining for Decision in this Docket." In their filings, the parties essentially agreed that the outstanding issue was whether Qwest owed Complainants refunds or credits for intrastate Signaling System 7 (SS7) message services previously provided. Complainants were charged for the services pursuant to a Qwest tariff which became effective in 2001. The 2001 tariff was superseded by TF-03-201.

On August 21, 2003, the Complainants and Qwest filed a "Joint Motion to Withdraw Without Prejudice Complainants' August 8, 2003, 'Motion for Stay of Discovery or Extension of Time to Respond'." On the same date, Complainants and Qwest also filed a "Joint Motion to Temporarily Stay Case to Facilitate Settlement Discussions." The parties requested the case be stayed until October 1, 2003, to allow time to determine whether settlement of the case is possible. The parties indicated they are attempting to develop a regionwide settlement of the case. In requesting the temporary stay, the parties noted that additional extensions of time may be requested and no party was waiving any issue or admitting any liability or

responsibility by entering into settlement negotiations. The Board reviewed the motions and granted them on January 5, 2004.

On February 3, 2004, Cox filed a motion to withdraw from the complaint. In its motion, Cox indicated that U.S. Cellular and Illuminet were not included in the motion to withdraw and that the complaint should proceed. Specifically, the motion stated:

The settlement discussions between Qwest and the Complainants have not been productive and a resolution of the Complaint has not been reached. As a result, the Complaint will be presented to the Board for resolution.²

The Board has not been notified concerning the status of this complaint by either of the remaining Complainants. The Board will grant the request of Cox to withdraw from this Complaint and order that the remaining parties file a supplemental status report. The parties are also notified that the Board intends to establish a procedural schedule in this matter, unless they present a compelling reason for a further stay.

IT IS THEREFORE ORDERED:

1. The motion to withdraw filed on February 3, 2004, by Cox Iowa Telcom LLC is granted.

² Motion to withdraw of Cox Iowa Telcom LLC filed February 3, 2004, at p. 2.

2. U.S. Cellular Corp., Illuminet, Inc., and Qwest Corporation are directed to file joint or separate status reports on or before July 30, 2004.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 20th day of July, 2004.